

91ST CONGRESS
1ST SESSION

H. R. 12979

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 16, 1969

Read twice and referred to the Committee on the Judiciary

AN ACT

To amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) section 6322 of title 5, United States Code, is
4 amended to read:

5 “§ 6322. Leave for jury or witness service; official duty
6 status for certain witness service

7 “(a) An employee as defined by section 2105 of this
8 title or an individual employed by the government of the
9 District of Columbia is entitled to leave, without loss of, or
10 reduction in, pay, leave to which he otherwise is entitled,

1 credit for time or service, or performance of efficiency rating,
2 during a period of absence with respect to which he is sum-
3 moned, in connection with a judicial proceeding, by a court
4 or authority responsible for the conduct of that proceeding, to
5 serve—

6 “(1) as a juror; or

7 “(2) as a witness on behalf of a party other than
8 the United States, the District of Columbia, or a pri-
9 vate party;

10 in the District of Columbia, a State, territory, or possession
11 of the United States including the Commonwealth of Puerto
12 Rico, the Canal Zone, or the Trust Territory of the Pacific
13 Islands. For the purpose of this subsection, ‘judicial proceed-
14 ing’ means any action, suit, or other judicial proceeding, in-
15 cluding any condemnation, preliminary, informational, or
16 other proceeding of a judicial nature, but does not include an
17 administrative proceeding.

18 “(b) An employee as defined by section 2105 of this
19 title or an individual employed by the government of the
20 District of Columbia is performing official duty during the
21 period with respect to which he is summoned, or assigned
22 by his agency, to—

23 “(1) testify or produce official records on behalf of
24 the United States or the District of Columbia; or

25 “(2) testify in his official capacity or produce offi-

3

1 cial records on behalf of a party other than the United
2 States or the District of Columbia.

3 “(c) The Civil Service Commission may prescribe reg-
4 ulations for the administration of this section.”

5 (b) Item 6322 in the analysis of chapter 63 of title 5,
6 United States Code, is amended to read:

“6322. Leave for jury or witness service; official duty status for certain
witness service.”.

7 SEC. 2. (a) Section 5515 of title 5, United States Code,
8 is amended to read:

9 “§ 5515. Crediting amounts received for jury or witness
10 service

11 “An amount received by an employee as defined by
12 section 2105 of this title or an individual employed by the
13 government of the District of Columbia for service as a juror
14 or witness during a period for which he is entitled to leave
15 under section 6322 (a) of this title, or is performing official
16 duty under section 6322 (b) of this title, shall be credited
17 against pay payable to him by the United States or the Dis-
18 trict of Columbia with respect to that period.”

19 (b) Item 5515 in the analysis of chapter 55 of title 5,
20 United States Code, is amended to read:

“5515. Crediting amounts received for jury or witness service.”.

21 SEC. 3. (a) Section 5537 of title 5, United States Code,
22 is amended to read:

1 **“§ 5537. Fees for jury and witness service**

2 “(a) An employee as defined by section 2105 of this
3 title or an individual employed by the government of the
4 District of Columbia may not receive fees for service—

5 “ (1) as a juror in a court of the United States or
6 the District of Columbia; or

7 “ (2) as a witness on behalf of the United States or
8 the District of Columbia.

9 “(b) An official of a court of the United States or the
10 District of Columbia may not receive witness fees for attend-
11 ance before a court, commissioner, or magistrate where he
12 is officiating.

13 “(c) For the purpose of this section, ‘court of the
14 United States’ has the meaning given it by section 451 of
15 title 28 and includes the United States District Court for
16 the District of the Canal Zone, the District Court of Guam,
17 and the District Court of the Virgin Islands.”

18 (b) Item 5537 in the analysis of chapter 55 of title 5,
19 United States Code, is amended to read:

 “5537. Fees for jury and witness service.”.

20 SEC. 4. (a) Chapter 57 of title 5, United States Code,
21 is amended by inserting at the end thereof the following new
22 subchapter:

1 "SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

2 "§ 5751. Travel expenses of witnesses

3 "(a) Under such regulations as the Attorney General
4 may prescribe, an employee as defined by section 2105 of
5 this title summoned, or assigned by his agency, to testify or
6 produce official records on behalf of the United States is
7 entitled to travel expenses under subchapter I of this chapter.
8 If the case involves the activity in connection with which
9 he is employed, the travel expenses are paid from the appro-
10 priation otherwise available for travel expenses of the em-
11 ployee under proper certification by a certifying official of
12 the agency concerned. If the case does not involve its ac-
13 tivity, the employing agency may advance or pay the travel
14 expenses of the employee, and later obtain reimbursement
15 from the agency properly chargeable with the travel ex-
16 penses.

17 "(b) An employee as defined by section 2105 of this
18 title summoned, or assigned by his agency, to testify in his
19 official capacity or produce official records, on behalf of a
20 party other than the United States, is entitled to travel
21 expenses under subchapter I of this chapter, except to the
22 extent that travel expenses are paid to the employee for his

1 appearance by the court, authority, or party which caused
2 him to be summoned.”

3 (b) The analysis of chapter 57 of title 5, United States
4 Code, is amended by inserting at the end thereof:

“SUBCHAPTER IV—MISCELLANEOUS PROVISIONS
“5751. Travel expenses of witnesses.”.

5 SEC. 5. (a) Section 1823 of title 28, United States Code,
6 is repealed.

7 (b) The analysis of chapter 119 of title 28, United
8 States Code, is amended by striking out item 1823.

Passed the House of Representatives September 15,
1969.

Attest:

W. PAT JENNINGS,

Clerk.

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25X1A

TRANSMITTAL SLIP		DATE 24 Nov. 1970
TO: [REDACTED]		
ROOM NO.	BUILDING	
REMARKS: Thought you would be interested in knowing that the Senate Judiciary Committee yesterday favorably reported the attached bill. All that is needed now is favorable action by the Senate which should be forthcoming before adjournment. [REDACTED]		
FROM: OLC		
ROOM NO.	BUILDING	EXTENSION 6136

25X1A

FORM NO. 241
1 FEB 55

REPLACES FORM 36-8
WHICH MAY BE USED.

(47)